

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: ) BK. NO: 20-33107-SGJ

)

JOAN L. GILLHAM )

D E B T O R. )

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GILLHAM V. U.S. DEPARTMENT) ADV. NO: 20-3000

OF EDUCATION )

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TRANSCRIPT OF PROCEEDINGS

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BE IT REMEMBERED, that on the 12th day of December,  
2022, before the HONORABLE STACEY G. JERNIGAN, United States  
Bankruptcy Judge at Dallas, Texas, the above styled and  
numbered cause came on for hearing, and the following  
constitutes the transcript of such proceedings as hereinafter  
set forth:

1                               P R O C E E D I N G S

2                               THE COURT: All right. We have another  
3 matter, Gillham versus U.S. Department of Education. This is  
4 adversary 20-3000. I will take appearances.

5                               Good morning, Ms. Webb.

6                               MS. WEBB: Good morning, Your Honor. Just a  
7 couple of announcements.

8                               I wanted to let you know we have a new U.S. Attorney,  
9 Leah Simmington has been confirmed.

10                              THE COURT: I'm very happy to hear that. I've  
11 known her for a long time.

12                              MS. WEBB: Yes. So we have a new U.S.  
13 Attorney. And we'll have a meeting this afternoon.

14                              Secondly, I'd ask that my motion for continuance be put  
15 first. I have a witness, Chad Miller (sic), and he has a  
16 meeting with the Under Secretary of Education in about an  
17 hour.

18                              THE COURT: All right. Well, I'm happy to  
19 take that up first.

20                              Who do we have appearing for plaintiff this morning?

21                              MS. GILLHAM: Good morning, Your Honor. This  
22 is Joan Gillham and I'm the plaintiff on this case.

23                              THE COURT: All right. And are you acting pro  
24 se?

25                              MS. GILLHAM: Yes, Your Honor.

1 THE COURT: Okay.

2 MS. GILLHAM: And I am an attorney and I am  
3 acting pro se.

4 THE COURT: All right. Just confirming that  
5 was still the case.

6 All right. Well, there's been a request for a  
7 continuance. And so I'm going to hear that first.

8 So, Ms. Webb, you may proceed with that.

9 MS. WEBB: Yes, Your Honor.

10 I would ask that we have Chad Keller, he is on remote,  
11 testify.

12 THE COURT: All right. Mr. Keller, can you  
13 turn off your -- or turn on your audio and video?

14 All right. Mr. Keller, please raise your right hand.

15 (The witness was sworn by the Court.)

16 THE COURT: All right. Thank you.

17 All right, Ms. Webb, go ahead.

18 CHAD KELLER

19 The witness, having been duly sworn to tell the truth,  
20 testified on his oath as follows:

21 DIRECT EXAMINATION

22 BY MS. WEBB:

23 Q. Mr. Keller, will you please state your name for the  
24 record.

25 A. Chad Keller.

1 Q. And where are you employed?

2 A. I'm employed at the United States Department of  
3 Education.

4 Q. And how long have you been employed with the  
5 Department of Education?

6 A. Approximately 30 years.

7 Q. And what is your current position with the  
8 Department of Education?

9 A. I'm a supervisory program and management analyst.

10 Q. Could you briefly describe to the Court what your  
11 duties are as a supervisory management and program analyst?

12 A. I supervise a team that coordinates activities with  
13 the Department of Justice providing records and declarations,  
14 mediation, settlements, explaining programs, that sort of  
15 thing.

16 Q. So you're familiar with the programs that Education  
17 has under it; is that correct?

18 A. Yes, ma'am.

19 Q. Okay. And you were a supervisor of Chris Bolander;  
20 is that correct?

21 A. Yes, I was.

22 Q. Okay. And he has left; is that correct?

23 A. That's correct.

24 Q. Okay. And you have taken over this case, but may  
25 reassign it to another specialist at one time; is that -- is

1 that a true statement?

2 A. That's correct.

3 Q. Okay. Now, are you familiar with the programs that  
4 concern forgiveness or recalculations of loans that have  
5 recently been -- Education has been charged with on student  
6 loans?

7 A. Yes, I am.

8 Q. Okay. Could you tell the Court just briefly what  
9 these programs are? Like, you know, let's go over the Income  
10 Driven Repayment, the Public Service, and then the  
11 Biden/Harris Student Debt Relief.

12 A. The Income Driven Repayments Program is a set of  
13 various repayment programs in which payments are based on a  
14 borrower's income. Borrowers pay for a specified term and at  
15 the end of that term the remaining balance is forgiven.

16 Q. And how long is those terms normally?

17 A. Public --

18 Q. How long are those terms normally?

19 A. It's 20 to 25 years.

20 Q. Okay. And even if they make 0 repayments, those  
21 payments would be considered a payment, correct?

22 A. That's correct.

23 Q. And at this time, is the Department of Education  
24 having its servicers recalculate payments under the Income  
25 Driven Repayment Plan?

1           A.    The -- the -- Education has announced a one-time  
2   adjustment to the Income Driven Repayment, what we call  
3   payment counts, which is the number of months qualifying for  
4   its cancellation.

5           Q.    What caused --

6           A.    So, yes, there has been an announcement.

7           Q.    What's -- what caused this recalculation to come  
8   about?

9           A.    The -- the -- Education is going to do a one-time  
10   adjustment to the payment counts in which they will count  
11   some payments that were not previously qualifying. These are  
12   going to include periods of forbearance, if there's more than  
13   12 consecutive months or 36 cumulative months in forbearance.  
14   They will count payments that were made -- loans that have  
15   been consolidated under payments that were made under the  
16   previous loans, the underlying loans. And they will count  
17   payments towards cancellation that would  
18   not -- in the past would not have counted because they were  
19   made under other payment plans, or were not timely, or were  
20   not in the full amount.

21          Q.    Okay. So in essence, it expands the definition of  
22   a payment to go towards the 25 years forgiveness?

23          A.    That's correct.

24          Q.    Okay. And the --

25          A.    That's correct.

1 Q. The Public Service Loan Recalculation Program, what  
2 is that?

3 A. So the Public Service Loan Forgiveness Program, or  
4 what's known as PSLF, is a program in which borrowers who are  
5 engaged in qualifying employment, which is employment at a  
6 government agency or under a non-profit, the payment term is  
7 reduced from 20 or 25 years to a 10-year term. And then --  
8 so that payments, qualifying payments concurrent with  
9 qualifying employment for a 10-year period, or 120 months, it  
10 doesn't have to be consecutive months, will result in  
11 forgiveness of the remaining balance.

12 Q. Okay. And did the -- isn't there a limited program  
13 that is recalculating payments and being more generous  
14 towards what a payment would be towards this 10-year  
15 forgiveness?

16 A. Correct. There -- there was a limited PSLF waiver  
17 was the name of the program. The program ended October 31st.  
18 So borrowers had to apply prior to October 31st. And it  
19 adjusted the payments to include -- to include items to what  
20 I described earlier for the IDR. One time adjustment. It  
21 will count periods of forbearance. It will count payments  
22 made prior to the loan being consolidated. Previously only  
23 direct loan qualified -- or only payments made to direct  
24 loans qualified for PSLF payments. And now payments made to  
25 Pell program loans that were consolidated into direct loans

1 will count. So it's expanded the amount of qualifying  
2 payments.

3 And it's the same sort of thing, PSLF in the past  
4 limited qualifying payments to payments made under the Income  
5 Driven Repayment Plans or a standard plan with a 10-year  
6 amortization. During the limited waiver, payments -- any  
7 payment would be accepted, no matter the payment plan, or the  
8 amount, or the timeliness of the payment.

9 Q. Okay. And this -- I think your testimony was this  
10 closed on October 31st; is that correct?

11 A. That's correct.

12 Q. And when do -- does the servicer say that they  
13 should be completed? What's the report on completing the  
14 applications that have come through?

15 A. The -- the figures I've heard is that they've  
16 received approximately 2 million applications and they expect  
17 to work through those by the end of February.

18 Q. End of February 2023?

19 A. That's correct.

20 Q. Okay. And on the -- on the Income Driven Repayment  
21 Plan, have -- have they started the recalculations of those  
22 payments yet?

23 A. They -- they're targeting July of 2023 to --

24 Q. To have those calculated?

25 A. -- to finish the calculating of those, yes.



1 Q. Okay. And could you tell the Judge about the  
2 Biden/Harris Student Debt Relief Plan?

3 A. Yes. The Biden/Harris Debt Relief Plan amounts to  
4 a calculation of student loan debt. It's \$10,000 for  
5 individuals. And then individuals who have received a Pell  
6 Grant would receive \$20,000 in cancellations.

7 Q. Okay. And this is just a debt forgiveness, no  
8 payments required?

9 A. That's correct.

10 Q. Okay. And have you looked to see if any of these  
11 plans would be applicable to Ms. Gillham?

12 A. Yes. She would be eligible for all three of these  
13 programs.

14 Q. Okay. And has she applied for the Public Student  
15 Loan Forgiveness?

16 A. Yes, she has.

17 Q. And that would be the quickest one that could  
18 determine if she's got all her loans discharged, correct?

19 A. That's right. It has the shortest payment term.

20 Q. Okay. And did you do a cursory review of her  
21 account to see when the earliest possible time could be that  
22 she would get discharged under the Income Driven Repayment  
23 Plan?

24 A. I did. I did do a cursory review. Ms. Gillham  
25 received graduate loans, or professional degree loans, which

1 means that she would have a 25 year term. Her loans entered  
2 repayment in approximately 2006. And these are the  
3 underlying loans. Her loans have since been consolidated.  
4 But 25 years from when her loans would have started repayment  
5 is approximately 2031.

6 Q. Okay. Okay.

7 MS. WEBB: No further questions, Your Honor.

8 THE COURT: All right.

9 Ms. Gillham, do you have questions for Mr. Keller?

10 MS. GILLHAM: I do.

11 THE COURT: You may proceed.

12 MS. GILLHAM: First of all, let me make it  
13 clear that this is -- I did not have any information from  
14 DOE, from Attorney Webb. I did not have Mr. Keller's  
15 information or anyone at DOE's contact information. The  
16 first time his name or any contact information appeared was  
17 on this witness list. Because basically I have been  
18 completely stonewalled from contacting anyone at DOE. So  
19 this is part of the problem. This is the reason why we're  
20 winding up having this hearing is because I'm not able to get  
21 any information and I don't have a contact person at DOE. As  
22 a matter of fact, I was actually not able to even get a login  
23 for weeks.

24

25 (no omission)

1 CROSS-EXAMINATION

2 BY MS. GILLHAM:

3 Q. So one of my questions is, Mr. Keller, in regards  
4 to emails that were sent in regards to June of last year --  
5 or June of this year that a review was supposed to be done,  
6 were you involved in that?

7 A. I -- no, I was not. I was not part of that email  
8 chain.

9 Q. But -- so you did not review this. Who was the one  
10 that reviewed my account back in June, or was it reviewed in  
11 June, as was -- as was told to me?

12 A. Chris Bolander was the analyst assigned to your  
13 case at that time.

14 Q. So you don't know whether or not it was reviewed in  
15 June or not?

16 A. I -- I don't -- I mean, I'm not sure anybody  
17 reviewed. I think he did look at your account and I think he  
18 did make assessments.

19 Q. But you don't know and you don't have any notes of  
20 that? There's not any documentation of that? Is that what  
21 I'm understanding?

22 A. Well, I've read the emails. It looks like he did  
23 make an assessment.

24 Q. Okay. But doesn't DOE make any kind of notes on  
25 when they review anything in the file, or is it just blank?

1 A. I think -- I -- I don't think we would necessarily  
2 normally enter that into our system of records, no.

3 Q. So would there have been any kind of documentation  
4 of his communication with an email to someone, or phone call,  
5 or anything, or is there just no documentation to verify that  
6 this even happened in June?

7 A. I believe he would be able to conduct that review  
8 by looking at systems that he had access to.

9 Q. So nobody knows? There's no documentation, there's  
10 no trail, there's no nothing from June whether it happened or  
11 it didn't happen; is that what I'm hearing you say?

12 A. It's a common practice for us to look at our  
13 computer system records. So I think it's a fair assumption  
14 that he looked at the system records.

15 Q. Okay. But -- okay. So basically there's no way to  
16 prove, or there's no evidence, documentation evidence about  
17 if there was even any review in June from him?

18 A. Well, I think he states in his email that he  
19 reviewed under what would be our common practices. So I  
20 think it's a fair assumption. It's not hard to look at our  
21 systems and to make that sort of assessment.

22 Q. Okay. And then are you familiar with the changes  
23 that are supposed to happen or be effective in July of next  
24 year, July of 2023?

25 A. I have seen information regarding -- I think you're

1 referring to the regulatory changes?

2 Q. They would be -- correct. The final regulations to  
3 expand and improve targeted debt relief programs.

4 A. I've seen -- I've seen information related to that,  
5 yes.

6 Q. Do you know anything about those, or if those are  
7 going to be anything that's going to be applicable to these  
8 loans?

9 A. I think you might have to be more specific in your  
10 question. I think -- I think, yes, it could -- it could  
11 impact -- your case. Your PSLF application was submitted  
12 prior to October 31st, so it will be reviewed under the  
13 limited waiver. And a lot of those regulatory changes made  
14 some of the provisions in the waiver permanent. Although  
15 there's a gap between the expiration of the waiver and then  
16 the implementation of the regulations in July. But it was an  
17 effort to make some of those provisions permanent.

18 Q. Okay. And then one of the other questions I had is  
19 in regards to the cancer, I believe was it the cancer  
20 deferment that was scheduled for -- as part of the July 2023  
21 regulations, as well?

22 A. I -- I am -- I would have to check the regulations.  
23 I'm not -- I'm not up on that one. Sorry.

24 Q. And then they can -- in regards to the IDR, the  
25 PSLF, obviously the Debt Forgiveness, the Biden/Harris -- the

1 Biden/Harris thing is hung up in the courts, but the IDR and  
2 the PSLF are not, correct?

3 A. That's correct.

4 Q. And then they can wind up even being kind of, I  
5 don't know if the correct word is, combined? There's a way,  
6 from what I understand about these programs, intertwining  
7 with each other, or interworking with each other. Can you  
8 explain that if they're -- how that works?

9 A. Yeah. I think -- I think they're intertwined, at  
10 least in my mind, in the sense that the PSLF program has  
11 requirements of repayment concurrent with qualifying  
12 employment. So it does engage the IDR program. Norm -- a  
13 lot of loans have a 10-year term. So if you pay under the  
14 standard plan, which is a 10-year amortization, you would pay  
15 off your loan before any cancellation. So a lot of borrowers  
16 to benefit from PSLF enroll in the Income Driven Repayment  
17 Plan. They get a lower monthly payment. And then after 10  
18 years, the remaining balance is cancelled. I think that's  
19 kind of the basic concept of the PSLF program. The  
20 qualifying payments have been expanded during the one-time  
21 recount. And then the regulatory change is coming in July.  
22 But I think that's the basic concept of the two programs  
23 being intertwined. You can think of the PSLF program as  
24 being part of the Income Driven Repayment Program, and then  
25 the -- you know, the term's just shortened from 20 or 25

1 years to 10 years.

2 Q. And are you -- I just lost my train of thought.

3 How is the -- how are my current loan -- how is it  
4 reporting on the credit report?

5 A. I believe you're being reported as current.

6 Q. Is it reporting as in forbearance, or is it  
7 reporting in -- as in IDR? Or what is the status, in your  
8 understanding?

9 A. I would have to check on the exact reporting. But  
10 I believe -- I believe accounts right now during the payment  
11 pause are being reported as current, paid as agreed.

12 Q. Okay. Because it's actually being reported as in  
13 forbearance, is what it's being reported as.

14 A. I would have to verify that.

15 Q. It's showing, actually, late payments. And that's  
16 part of the issue that is why we're here today is because  
17 it's being -- it's showing as in forbearance and it's showing  
18 as late.

19 A. I can verify -- I mean, we can verify what the  
20 credit reporting is. There's also -- there's always the  
21 possibility that what's reporting is not what's appearing on  
22 your credit report, too. And there is a process to dispute  
23 that with the credit bureaus.

24 Q. Well, it's the way that you guys are reporting it  
25 over. I mean obviously they can't -- they can't change what

1 you guys are reporting. I mean, you know, they can't change  
2 IDR versus forbearance --

3 THE COURT: Okay. Ms. Gillham --

4 Q. -- those are two different things.

5 THE COURT: Ms. Gillham, I know you're pro  
6 se, but you are an attorney, correct?

7 MS. GILLHAM: I am.

8 THE COURT: All right. So this -- this has  
9 kind of strayed beyond question and answer cross-examination.  
10 It's like you're arguing with the witness or engaging in  
11 discovery. So I'm going to ask you to kind of wrap it up and  
12 stick to what we're here on today. All right?

13 MS. GILLHAM: Okay.

14 Q. I had one other question. Oh, are you familiar  
15 with under the July 2023 regulations the -- the -- the change  
16 for IDR -- or PSLF for the contractor versus employer?

17 A. Yes. So currently qualifying employment is  
18 determined by -- it's really determined by who you work for,  
19 not the kind of work you do, I think is one way it's  
20 frequently described. So -- so a contractor, it depends who  
21 is actually employing you. So if you're doing contractor  
22 work for a qualifying employment, it may or may not qualify,  
23 depending upon who the -- who the -- what the contracting  
24 entity is. There are some changes coming in July to allow  
25 people that are contractors that hold positions that that



1 employer is required by law to employ contractors to be  
2 eligible for PSLF employment.

3 THE COURT: All right. Anything else?

4 MS. GILLHAM: No further questions.

5 THE COURT: All right. Any redirect,  
6 Ms. Webb?

7 MS. WEBB: No, Your Honor.

8 THE COURT: All right.

9 MS. WEBB: Could we excuse Mr. Keller, so he  
10 can go to -- to his meeting with the Under Secretary?

11 THE COURT: We certainly can.

12 Mr. Keller, thank you. You are excused.

13 MS. WEBB: Thank you, Mr. Keller.

14 THE WITNESS: Thank you.

15 THE COURT: All right. So, Ms. Webb, as I  
16 understand it, you're wanting a continuance to April; is that  
17 correct?

18 MS. WEBB: Yeah.

19 THE COURT: Okay.

20 MS. WEBB: Because -- well, I want to make a  
21 correction to the Court.

22 THE COURT: Okay.

23 MS. WEBB: I did make 26(a) disclosures. I  
24 did have Chris Bolander listed as a witness. But  
25 Ms. Gillham's objection that I hadn't given her Chad Keller

1 or anybody else she could talk to, she does not need to be  
2 talking to them. They're a represented party. She needs to  
3 go through me when it comes to this case. When it comes to  
4 credit bureaus and getting PIN Numbers, she needs to go to  
5 DOE as any normal person would and not through me. So that  
6 is my response there.

7 But, yes, I am asking -- we're hoping -- the one that's  
8 going to be calculated quicker is going to be the Public  
9 Service Loan Forgiveness one, which we think will be in  
10 February of 2023. I do know that she has applied for it.  
11 And Mr. Keller did review the application. There are going  
12 to be some things she has to supplement on it. So hopefully  
13 her's will be decided by 2023. But I just had asked for six  
14 month because -- I really wanted a stay so that it would  
15 maybe not count towards your time and give us time to get  
16 these programs through, because they very well may affect  
17 Ms. Gillham. But she felt like I was dragging my feet and  
18 this would benefit me, so she would not agree to a stay, so I  
19 did this continuance.

20 THE COURT: All right.

21 Well, Ms. Gillham, I'll tell you from where I sit, this  
22 feels like a no brainer. It looks like, you know, if we let  
23 this play out, there's a very good chance you might get  
24 forgiveness under at least the Public Service Loan Program,  
25 maybe one or two others. So why wouldn't we let this ride

1 out until April and see if we have an easier path to the  
2 remedy you're seeking?

3 MS. GILLHAM: Your Honor, first of all, I have  
4 a conflict in April. But secondly, I am not opposed to a  
5 continuance. I have said all along I'm not opposed to the  
6 continuance. And I definitely want to let this play out.  
7 And I'm trying to work it out and trying to settle it and  
8 work out everything through DOE. The problem is, Attorney  
9 Webb refuses to provide any information. And every time I  
10 ask her a question, she won't answer me. She gives me wrong  
11 information. I don't have any contacts at DOE. I've asked  
12 for meetings with different people at DOE. She has refused.  
13 She has continued to obstruct. The whole thing with me  
14 trying to apply with the PSLF, I couldn't get a PIN for two  
15 weeks from DOE. Numerous emails. Took me contacting  
16 (inaudible word) Requirements Office before I finally was  
17 able to get the PIN. That's the kind of obstruction that I'm  
18 getting. So that's the whole issue.

19 I'm more than willing to let this play out. But I  
20 can't have an attorney on the other side who obviously I  
21 can't contact DOE. She just made that very clear, because  
22 she represents them. But, yet, she refuses to provide the  
23 information. And the little bit of information that I've  
24 gotten was wrong. And that was easily disputable based on a  
25 public information release. So this is the whole entire

1 situation. I mean, I've tried, and tried, and tried, but she  
2 continues to obstruct. And this is -- this is -- that's the  
3 reason why I filed the motion to compel is because, you know,  
4 I'm the one that's sitting here dealing with this credit  
5 reporting issue from DOE. And there's nobody to contact to  
6 get it resolved, because she refuses. That's the reason why  
7 we're here today is because of her continued obstruction.

8 THE COURT: All right. Well --

9 MS. GILLHAM: It appears that she has very  
10 strong personal feelings about this. And it's obstructing  
11 her professionalism.

12 THE COURT: Okay. These are really -- I don't  
13 know if they're harsh words, they're passionate words, but I  
14 will let you know that I -- I'm not used to seeing Ms. Webb  
15 act in the way you're describing. She does not have a  
16 history of anything you're saying here. I just wonder if  
17 this is not a matter of two or three things going on. One, I  
18 imagine the system is, I mean, inundated, you know,  
19 overloaded, if you will, of people in your same shoes who are  
20 trying to get information. I forget what the exact testimony  
21 was of Mr. Keller, how many millions of applicants -- I think  
22 he said 2 million applications had been received under the  
23 Public Service Loan Program that he thought you were most  
24 likely to fit into. So I can certainly, you know, understand  
25 that, you know, sometimes it just takes time when you have so

1 many people who are trying to apply for these programs.

2 Second thing, I mean, we heard that Mr. Bolander, Chris  
3 Bolander left recently. So you had a change in personnel.  
4 You know, that's got to affect the process here. But, you  
5 know, I note that you filed this case right before the  
6 pandemic started. And that couldn't have helped matters as  
7 far as people being able to quickly address information  
8 requests. So I think we need to just kind of cool down here.  
9 And, you know, Ms. Webb doesn't like coming to court and  
10 hearing what she's heard. So I think if we will just give  
11 this a continuance, it's going to be in everyone's benefit,  
12 especially your's.

13 Ms. Gillham, you're a lawyer, so you probably know that  
14 when it comes to the Bankruptcy Code Section 523 and trying  
15 to get forgiveness of your student loan under the Bankruptcy  
16 Statute, you know, the 5th Circuit and other Circuits,  
17 there's a lot you have to go through and prove. It's an  
18 expensive, difficult trial. So, oh, my goodness, if there's  
19 a chance that these federal programs might allow forgiveness  
20 of your debt, we've got to let that play out. It's in your  
21 benefit. It's in everybody's benefit. Okay?

22 So I am going to grant the continuance. Shall we make  
23 it May? You said you had a problem in April?

24 MS. GILLHAM: Yeah, May is fine. And like I  
25 said, you know, Your Honor, I definitely don't have any

1 problems with the continuance. And, you know, I understand  
2 the working through everything. The problem is being  
3 stonewalled in the process and making sure that I can be able  
4 to apply as they roll out new things, et cetera, et cetera.

5 THE COURT: Okay. I'm going to continue the  
6 trial docket call to May. But I'm going to suggest we also  
7 continue the motion to compel to a date in early March,  
8 because, you know, hopefully you've gotten the word in  
9 February, okay, wonderful, you qualify, or if by chance we  
10 still don't know at that point, we can look at your  
11 information requests and see which ones still have been  
12 unaddressed, if any. Maybe you've gotten your information by  
13 then. But I really -- I think the main focus needs to be  
14 right now on you getting information to the Department of  
15 Education that they might need to assess whether you fit into  
16 some of these forgiveness programs.

17 So, Traci, can you look at our calendar, let's say the  
18 first week in March, we'll give a continued hearing on the  
19 motion to compel. And we'll just see where we are in this  
20 whole informal process of seeing if she fits in one of these  
21 programs.

22 Can you give a placeholder right now?

23 MS. ELLISON: Yes. March 2nd, 2:30 p.m.

24 THE COURT: Everybody good with that?

25 I know it's a long way away --

1 MS. GILLHAM: Yes, Your Honor.

2 THE COURT: -- as far as knowing with  
3 certainty your calendar, but let's plug it in.

4 MS. WEBB: Your Honor, just to let you know,  
5 I'm retiring in March.

6 THE COURT: Oh, my. Okay.

7 MS. WEBB: And I may not be at the office in  
8 March.

9 THE COURT: Okay.

10 MS. WEBB: So maybe that will, you know, with  
11 it being set out that far, we do have someone who is going  
12 to succeed me.

13 THE COURT: Okay.

14 MS. WEBB: And maybe Ms. Gillham can get along  
15 with them, since she doesn't appear to get along with me.

16 THE COURT: Okay. Well, we'll go ahead and  
17 use March 2nd at 2:30. And I just want to make sure we don't  
18 come back on March 2nd and, you know, zero progress has been  
19 made. And what I'm most concerned about is maybe Ms. Gillham  
20 getting information about what she needs to submit to be  
21 considered for these programs. It sounded like from  
22 Mr. Keller that maybe -- or I can't remember who said it.  
23 There's going to be information she has to provide, right,  
24 and maybe some applications she has to file. I don't know.

25 MS. WEBB: With my review from Mr. Keller just

1 recently, we did check. And she did make the October 31st  
2 deadline.

3 THE COURT: Okay.

4 MS. WEBB: She does have some Public  
5 Service -- in the application, you have to state what dates  
6 you worked for who and are they a qualifying employer. And  
7 then there's a little certification that each employer is  
8 supposed to certify that she did, in fact, work.

9 THE COURT: Okay.

10 MS. WEBB: She does have the years. She  
11 doesn't have the certifications on there.

12 THE COURT: Okay.

13 MS. WEBB: I -- from what I understand,  
14 Mr. Keller looked this morning and he said it looks like that  
15 they -- Education is not doing this, MOHELA is, which is the  
16 servicer. But he looked and it looks like they're going to  
17 be corresponding with her either denying it or denying it  
18 until she gets more information to them because there wasn't  
19 an employer certification on those. And she's also claiming  
20 one them is 10 years as a contractor, or whatever, which is  
21 the reason why I understood why she was asking those  
22 questions, too. But MOHELA will be doing that. We can --  
23 Mr. Keller, or whoever, can check and see where it is in the  
24 process. But we can't do it for her, because it is the  
25 servicer that has the expertise to do this stuff. And we



1 don't have the staff.

2 THE COURT: Okay. Well, I -- I don't have a  
3 clear feel.

4 Ms. Gillham, do you know the human beings to coordinate  
5 with? I mean, as Ms. Webb points out, if it's regarding --

6 MS. GILLHAM: No, I don't.

7 THE COURT: If it's regarding this lawsuit, it  
8 really needs to be through the lawyer, Ms. Webb. But the  
9 mechanics of doing your paperwork to fit into these programs,  
10 then you obviously deal directly with -- do you know who it  
11 is, you know --

12 MS. WEBB: It should be MOHELA.

13 THE COURT: MOHELA. Does that tell you what  
14 you need to know, or --

15 MS. GILLHAM: That's the problem, Your Honor,  
16 is I don't have -- because of the fact that I am an attorney  
17 and the fact that they are represented, obviously I have been  
18 prohibited from contacting DOE. So that's where the whole  
19 issue has been is I can't pick up the phone and call them,  
20 obviously, because of the fact that they're represented. So  
21 that's been part of the whole issue.

22 THE COURT: Okay. Is there some website she  
23 goes to that, you know, a person can follow --

24 MS. WEBB: Yes. Like any --

25 THE COURT: -- the links?

1 MS. WEBB: Like any other student loan  
2 borrower. She'll probably get a letter from MOHELA. They'll  
3 probably give her an account or whatever. She needs to deal  
4 through them this loan forgiveness. She needs to deal  
5 through them to get her PIN Number. Or she needs to deal  
6 through them about the credit bureau. And, you know, I do  
7 know the answer to that, if you'd like to know.

8 We put them in bankruptcy forbearance, DOE does, when  
9 they have an adversary and it hasn't been determined to make  
10 darn sure they don't violate the automatic stay.

11 THE COURT: Okay. There you go. There's the  
12 answer to that.

13 So at this point it's just a matter of Ms. Gillham to  
14 make sure she's getting her PIN Numbers, she's filling out  
15 the right paperwork to get into these programs and get all of  
16 the information in for these programs.

17 She just needs to go to the website and follow the  
18 links?

19 MS. WEBB: Right. Just like any other student  
20 loan borrower.

21 THE COURT: Any question about the website  
22 address, Ms. Gillham?

23 MS. GILLHAM: I have the website address.  
24 It's just like I can't pick up the phone and call or email  
25 them or anything like that. And that's -- that's the whole

1 entire issue. I have the website. And from what I recall in  
2 regards to this whole thing with the certification on the  
3 employer, I would have to look at the form, but I think there  
4 was a box on the form that said something about them doing  
5 it. So I'll have to research that. But, again, see these  
6 are -- this is the whole question on these logistical pieces,  
7 who can I contact so that I'm not creating, you know,  
8 reaching out directly to DOE when they're represented?  
9 That's -- it's working through these logistical things that  
10 the website is not going to resolve.

11 THE COURT: Okay. Well, there are millions of  
12 student loan borrowers out there trying to wade through these  
13 same issues. And I can't give you any special, you know,  
14 privilege just because you're in bankruptcy. What I can do  
15 is I can continue this lawsuit to May, which I think is of  
16 tremendous benefit to you, rather than making you go through  
17 the prove-up hoops in the Bankruptcy Code. You know, it  
18 sounds like it might be a much easier path, if you fit into  
19 one of these programs. But, again, questions or discussions  
20 about the lawsuit go through Ms. Webb or whoever succeeds her  
21 when she retires in March. But as far as the student loan  
22 programs, I mean, you'll have to go through the website like  
23 every other person going through this. And, you know, again,  
24 hopefully we're going to hear something good when we come  
25 back in March. And I'll look for forms of order, Ms. Webb.

1 MS. WEBB: Okay. I will.

2 And, Your Honor, just one more thing. In May, this  
3 probably won't be ripe because if she is discharged, it's  
4 gone. If it isn't, then we need to start discovery. And I  
5 have not done that discovery because of COVID. You know, I  
6 normally require five years worth of bank statements, income  
7 tax returns, and stuff like that. So it is anticipated we  
8 will do another continuance to allow normal discovery, if we  
9 have some funds leftover.

10 THE COURT: Okay. So perhaps we should call  
11 the May setting just a status conference/scheduling  
12 conference --

13 MS. WEBB: Okay.

14 THE COURT: -- more than trial docket call.

15 MS. WEBB: Okay.

16 THE COURT: Okay. So we'll look for forms of  
17 order on these matters. Thank you, Ms. Webb.

18 MS. WEBB: Thank you.

19 THE COURT: And thank you, Ms. Gillham.

20 MS. GILLHAM: Thank you, Your Honor.

21 (End of Proceedings.)

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C E R T I F I C A T E

I, CINDY SUMNER, do hereby certify that the foregoing constitutes a full, true, and complete transcription of the proceedings as heretofore set forth in the above-captioned and numbered cause in typewriting before me.

/s/Cindy Sumner

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